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ORIGINAL DEPARTMENT.

Communications.

TRIAL FOR MAL-PRACTICE.

Reported for the Medical and Surgical Reporter.

[Continued from page 558.]

Judge WILLIAMS delivered the following lucid, impartial, and very able charge to the jury:

"This is an action brought by CATHERINE BRAUNBERGER against Dr. GEORGE CLEIS to recover in her own right, and in right of her three minor children, damages for the death of her husband, ALBERT FREDERICK BRAUNBERGER, occasioned, as she alleges, by the negligence and unskilfulness of the defendant, who was employed as physician and surgeon to treat him for an injury which he had received in his left leg.

It appears from the evidence, that the plaintiff's husband, who was about thirty-two years of age, in good health and of a sound and vigorous constitution, and was employed in Kirchner's Tannery, having charge of the engine therein, while so employed, on the morning of the 1st of June, 1863, received an injury, in some way not explained, by which the bones of his left leg below the knee were crushed and broken in pieces, the fractures of the main bone extending into the knee joint. Soon after the accident he was carried into the house of Kirchner, and the defendant was sent for to attend him. When he came he found the wound bleeding, and having first partly stopped the bleeding, he examined the wound with a probe, and said that the leg was not broken, but that it was a mere flesh wound, of which he would be well in a few days.

He then stitched up the wound, which was three or four inches in length, applied some liniment to it, and put upon it a wet cloth or bandage, giving directions that it should be kept wet by sponging from time to time with cold water. He then left for the purpose of visiting a patient at some distance, having given orders that if the wound should commence bleeding to call another physician, without waiting for his return. Some time after he left the wound commenced to bleed,

and, without sending for another physician, the bleeding was checked, though not entirely stopped, by the application of cotton saturated with ink. The defendant returned in an hour or two, and found the wound, with the cotton on it, still bleeding a little. He gave orders to have the patient removed to his home, and said he would attend him there. He was accordingly removed to his own house where he was attended by the defendant, who visited him twice daily, doing nothing for the wound itself, except to put wet clothes or loose bandages on it, and directing that they should be kept wet by being sponged with cold water, until the 7th day after the accident, when he ordered the cloth to be kept wet with warm, instead of cold water. On that day he was told by the witness who nursed the deceased, if the jury believe the evidence, that if he did not call another physician to consult with him, the family would, because the deceased was getting weaker—his body was growing cold and there was a cold and clammy sweat on his face. According to the testimony of the witness, the deceased, whose appetite was at first very good, had by this time little or no appetite for food of any kind, and had become very weak, and complained on several occasions of pain in his back. The next day (the 8th) the defendant brought Dr. KERN with him. Dr. KERN opened the wound and found that suppuration had taken place, and the wound filled with gangrenous matter, so offensive to the smell that the attendant could not stay in the room. Having removed the gangrenous and offensive matter, he examined the wound and found that the leg was broken, and informed the defendant of the fact, and that there was no possibility of saving the patient's life except by amputation. He then prescribed some stimulating medicine in order to put the patient into a fit condition for the operation. The next day, the 9th, the defendant and Dr. KERN, called in Dr. Brooks to advise with, and assist them in performing the operation. Upon examining the condition of the patient, they, or the majority of them, (for in respect to this fact there is a direct conflict in the testimony of the consulting physicians) advised immediate amputation as the only possible chance of saving the life of the patient. Dr. KERN is

still of the opinion that he was in a fit condition, and that if his leg had been taken off, there was a reasonable prospect of his recovery, while Dr. Baooks is of the opinion that he was not in a fit condition to undergo the operation, and that amputation would have been worse than useless; that it would have hastened his dissolution. The result of the consultation was announced to the deceased and his friends, and they requested that if his leg was to be taken off, that Dr. WALTER, should be called in before it was done, and they accordingly sent for him. The three physicians, then said, that as Dr. WALTER had been sent for, they would have nothing more to do with the case—that they considered themselves dismissed, and accordingly they left. When Dr. WALTER came, he found the patient, as he has testified, in a condition utterly unfit to undergo amputation. It is not necessary to repeat the description which he gave of his condition, the jury will recollect it. He says it would have been madness to amputate his leg while he was in that condition, that he would have probably died in his hands. He commenced a course of treatment to bring about, if possible, such a condition of the system as would enable him to undergo the operation, and on the 16th of June, when the most favorable moment that he could expect had arrived for the performance of the operation, with the hope, and the *only* hope of saving his life that he had, he amputated his leg. But he was not able to survive the shock and died the next day. These are the main facts in the history of this case.

The plaintiff alleges that her husband's death was occasioned by the negligence and unskillfulness of the defendant, and that he is responsible for the damages which she and her children have sustained in consequence of his death.

The principles of law applicable to this case are simple and easily understood. When one is employed as a physician or surgeon, the law implies an undertaking on his part, that he will use a reasonable degree of care and skill in the treatment of his patient, or in the performance of the professional duty which he undertakes; and in judging of this degree of skill, regard is to be had to the advanced state of the profession at the time. This is the implied duty of the medical or surgical practitioner, and he is responsible for any injury which may be occasioned by his want of reasonable care and skill in the discharge of the particular duty which he undertakes, and for which he may have been retained. In this respect the law exacts no more of medical practitioners or surgeons, than it does of those engaged in any other profession or calling, where care and

skill are requisite for the successful accomplishment of the duties incident and appropriate to such profession or calling, whatever it may be.

The law does not imply an undertaking on the part of medical or surgical practitioners, any more than it does on the part of those engaged in other professions or callings, that they will use the highest degree of care and skill attainable or known in the profession. If it did, but few would be competent to practice the medical, surgical, or any other profession. For but few comparatively, possess the requisite natural endowments, the industry, energy and perseverance, the opportunities for study and improvement, and the experience necessary and indispensable for the attainment of the highest degree of professional skill. The law, therefore, very properly requires no more of the medical and surgical practitioner than the use of a reasonable degree of care and skill in the discharge of the duty or office he may be called upon to perform; but it rigorously exacts this degree of care and skill, and it implies an undertaking on his part to use such reasonable care and skill in the discharge of his professional duty, and it renders him responsible for any injury which may result from the want thereof. Reasonable care and skill is a phrase not of absolute, but of relative import or signification. What may, or may not be, reasonable care and skill, depends very much upon the nature of the duty to be performed, or the thing to be done, and the attendant circumstances. The more difficult the duty or operation, the greater is the degree of care and skill requisite for its successful accomplishment. And in the performance of very difficult and dangerous operations in surgery, the surgical practitioner is required to possess and employ a higher degree of care and skill than would be necessary for the performance of operations less difficult or dangerous. But he is only required to employ a reasonable degree of care and skill in these operations, and in the previous and subsequent treatment of the case—that is to say, such a degree of care and skill as men of ordinary prudence, learning and skill in this department or profession usually possess and employ; and if he does not, he is responsible for the injury occasioned by his negligence or unskillfulness in this respect.

By the common law, no action could be maintained by the widow or other relation of a deceased person, to recover damages for any injury, resulting in death, when occasioned by unlawful violence or negligence. If the injury thus occasioned did not result in death, the sufferer might recover damages therefor, but if death was the

result, the common law gave no action for the recovery of damages, to the relatives or personal representatives of the deceased. This defect in the law was remedied by the Legislature of this State, by an Act passed the 15th of April, 1851; the 19th section of which is in these words:

"Whenever death shall be occasioned by unlawful violence or negligence, and no suit for damages be brought by the party injured, during his or her life, the widow of any such deceased, or, if there be no widow, the personal representatives, may maintain an action for, and recover for the death thus occasioned."

By a supplement to this act, approved the 26th of April, 1855, it is declared that "the persons entitled to recover damages for any injury causing death, shall be husband, widow, children, or parents of the deceased, and no other relative; and the sum recovered shall go to them in the proportion they would take his or her personal estate in case of intestacy, and that without liability to creditors."

By "unlawful violence," as used in the act of 1851, is meant the improper and, therefore, unlawful use or employment of physical force, however applied. It is the abuse of force, and implies a positive act. "Negligence" is the omission of something that ought to be done. It is negative in its character. It is the not doing what ought to be done. It is omitting to do something which reason, prudence, and skill would suggest as proper and necessary to be done, under the circumstances of the case. And whenever death happens from either of these causes, viz. "unlawful violence or negligence," action may be maintained, under the statute, and damages recovered therefor.

It is contended by defendant's counsel that mere malpractice by a physician or surgeon is not such "unlawful violence or negligence," as is contemplated by the act, and that for this reason, there can be no recovery in this action. But the act, both in its letter and spirit, is, in my opinion, sufficiently comprehensive to embrace the case of death resulting from malpractice, whenever occasioned by unlawful violence or negligence. In all cases in which, by the common law, an action could be maintained and damages recovered for an injury, not resulting in death, occasioned by malpractice, an action, on the statute, may now be maintained, if death result therefrom, when such malpractice consists in "unlawful violence or negligence." It cannot be doubted that malpractice on the part of a physician or surgeon may consist in unlawful violence, that is to say, the improper and unlawful

use of physical force, as well as in negligence, or the omission to use the appropriate and indispensable means for the recovery of the patient, or the preservation of his life. And, in either case, whether by unlawful violence or negligence, if death be the result, he is responsible therefor. But the fact that the physician or surgeon may have been guilty of malpractice, however gross in its character, will not render him responsible in an action on the statute, at the suit of the widow or other relatives, unless the death of the deceased was occasioned by such malpractice. If the deceased might have survived and recovered from the injury occasioned by the unskillfulness or negligence of the physician or surgeon, under proper treatment and by the use of the appropriate and necessary means, after the discharge of such physician or surgeon for incompetency or unskillfulness; or if the death is fairly attributable to, or actually resulted from, some other causes, there can be no recovery in an action on this statute. There may be no doubt or question as to the malpractice of the physician or surgeon, but unless the death of the deceased was the result thereof, his widow and children are not entitled to maintain an action and recover damages therefor. But if the death was occasioned by malpractice in either of the modes suggested, viz., by the improper application of physical force, or, in the language of the statute, by "unlawful violence;" or by the omission of the appropriate means, that is, by "negligence," the statute gives a remedy, and damages may be recovered therefor, by the widow and children.

It will be the duty of the jury to apply these principles to the evidence in the case. There is no evidence that the defendant was guilty of any "unlawful violence" in the treatment of the deceased, which caused his death. Whether his death was occasioned by the negligence and unskillfulness of the defendant, is a question of fact for the determination of the jury. The responsibility of determining this question is upon them, and not upon the court.

The plaintiff's counsel contend that the death of plaintiff's husband was caused by the negligence and unskillfulness of the defendant, in not ascertaining the nature and extent of the injury, and making use of the appropriate means for the treatment of the same, and for the preservation of his life.

They allege that the defendant's negligence and unskillfulness are shown by the fact that he mistook the injured condition of his leg—crushed, fractured, and broken to pieces, as it was—for a mere flesh-wound; and that this radi-

cal error, in regard to the nature of the wound, and its consequent treatment as a mere flesh-wound, was the grossest malpractice on the part of the defendant, and the cause of the death of plaintiff's husband. The defendant's counsel do not deny that their client was mistaken in regard to the nature and extent of the injury, and in the treatment appropriate thereto; but they contend that this mistake as to the nature of the injury and its appropriate treatment, was not the cause of his death. If the jury believe the evidence, there can be no doubt that the defendant failed to discover the nature and extent of the injury, and that he might and ought to have ascertained this if he had employed ordinary and reasonable care and skill in examination of the wound, and that his treatment of the injury as a mere flesh-wound was not the proper and appropriate treatment of a leg broken and ground to pieces, as this leg was, with the fractures extending into the knee-joint. While quackery and empiricism ought not to receive any countenance from the court and jury; in any profession, and, least of all, in the medical and surgical, where the consequences are so serious, and often fatal, yet the court and jury, in dealing with cases of manifest malpractice, ought to be careful not to impute or attribute to such malpractice consequences which do not legitimately and properly result from it. Did, then, the mistake which the defendant made in regard to the nature and extent of the injury, and his consequent mistreatment of the case, cause the death of the plaintiff's husband? This is a question of fact for the determination of the jury, under all the evidence in the cause. It is often, perhaps always, a difficult thing to ascertain and determine the consequences necessarily and actually resulting from malpractice. It is an inquiry requiring more knowledge, scientific skill, and experience in such matters, than men ordinarily possess; and therefore the law allows experts, that is, persons learned and skilled in such matters and pursuits, to be called in to aid the court and jury in the investigation; and great weight is to be attached to their opinions.

Where they agree in opinion upon a given hypothesis or state of facts, their opinion should be regarded as conclusive evidence thereon; but it is always the duty of the jury to determine whether the given state of facts, or the supposed hypothesis exists, or is established by the evidence.

While the physicians and surgeons, who have been examined in this case, differ in some respects, they all agree in the following particulars:

1st. That there was no possible chance of sav-

ing the life of the plaintiff's husband, except in amputating the broken leg, because the fracture extended into the knee-joint. They all agree that there was no other possible way of saving his life.

2d. They all agree that amputation is not to be performed, unless the system of the patient is in a fit condition; that it would be unpardonable to amputate when the system is in a state of shock; that where the result of an injury is a shock of the whole nervous and vital system, that it would be death to amputate in such a condition.

3d. That in case of shock, amputation should be performed as soon as the system has recovered from the shock;—in other words, as soon as the system has rallied, and reaction has taken place.

4th. That in case of shock, if the system does not rally, or if reaction does not begin to take place, it is the duty of the surgeon to make use of the proper means to bring on reaction, by giving stimulating remedies, and endeavoring to produce heat in the system by artificial means.

These are well established principles of surgery, in regard to which there is no dispute. The intelligent and skilful surgeon should always act in conformity with these principles in determining whether amputation should or should not be performed; and in determining the probable results or consequences to the patient, if the operation is or is not performed. Bearing in mind the cardinal principles of the science, the jury will determine:

1st. Whether the injury to the plaintiff's husband resulted in that condition, or state of the system called shock, and whether the nervous and vital system was so shocked as to render amputation of his leg not only dangerous, but probably fatal? Or whether the shock of the system was so slight that the operation might have been performed with a reasonable prospect of saving his life?

2d. If the shock was so great that death would have been the result of amputation while the system was in that condition, was there such a rallying or reaction of the system that amputation might have been safely performed with a reasonable prospect of saving the patient's life?

3d. If reaction did not take place, might it in all human probability have been produced by the use of the appropriate means or remedies?

4th. Was the plaintiff's husband in a fit condition for the amputation of his leg at the time of the consultation between the defendant and Drs. KERN and BROOKS; and if they had then been permitted to perform the operation, is it probable that the life of the plaintiff's husband would have been saved?

If the jury find that the deceased was in a fit condition to have his leg amputated with safety to his life soon after the injury—that his system was not in a state of shock, or, if it was, that it rallied and recovered therefrom, so that amputation might have been safely performed while the defendant had charge of the case, then it was his duty to amputate; and if amputation could not have been safely performed at any time after he ceased to have charge of the case, and if the death of the deceased was occasioned by the neglect of the defendant to perform the operation at the proper time, he is responsible for the consequences of his negligences and unskilfulness, and this action may be maintained for the recovery of such damages as the widow and children have sustained thereby.

But if the deceased was so prostrated by the injury he received—if he was in such a state of shock—that amputation could not be safely performed; if his system did not rally, or might not have rallied so that his leg could be amputated with safety to his life; if he would probably have died whether his leg was amputated or not, then there can be no recovery against the defendant in this action, although he may have grossly mistaken the nature and extent of the injury, and the treatment appropriate thereto. Nor can there be any recovery against the defendant, if amputation might have been safely performed at any time after the defendant ceased to attend the deceased, and another surgeon had been called to take charge of the case. The defendant is not responsible for any neglect or omission of duty after his connection with the case had ceased. If the life of the deceased might have been saved if his leg had been amputated on the day that Dr. WALTER was called to attend him, the defendant is not responsible in damages for his death. The jury will determine what are the facts from all the evidence in the case.

If the jury find for the plaintiff, they will assess such damages as will compensate the widow and children for the pecuniary loss they have sustained by the death of the deceased. The jury are not required to estimate the value of his life. If they were, dollars and cents would be a poor standard with which to measure the life of a human being. They are only required to give damages for his death. The widow and children of the deceased are not entitled to recover anything by way of solace for their wounded feelings; they are only entitled to recover damages for the pecuniary loss they have sustained in consequence of his death.

The damages ought not to be extravagant or

unreasonable. If the defendant had been actuated by malice, the jury might give vindictive damages. But the defendant was not actuated by malice. If he caused the death of the deceased it was not intentional, but the result of ignorance and unskilfulness, and therefore the jury should be merciful while they do justice.

The points submitted by defendant's counsel are affirmed.

The Jury found a verdict for plaintiff for \$3,250.00.

Medical Societies.

MINUTES OF THE SIXTEENTH ANNUAL SESSION OF THE AMERICAN MEDICAL ASSOCIATION.

Held in the city of Boston, June 6th, 7th, and 8th, 1865.

FIRST DAY—Tuesday, June 6th.

(Continued from page 564.)

Various reports of special committees were presented and referred.

A report on *Insanity* by a committee of which Dr. H. R. Storer, of Boston, was chairman, was referred to the section of Practical Medicine and Obstetrics.

A report on *Climatology and Epidemic Diseases of California*, from a committee, of which Dr. Logan was chairman, was referred to the section of Meteorology and Epidemics.

A report on *Alcohol and its Relation to Man*, from a committee, of which Dr. G. E. Morgan, of Baltimore, was chairman, was referred to the section on Practical Medicine and Obstetrics.

A report on *Autopsies*, and their relation to Medical Jurisprudence, from a committee, of which Dr. T. C. Fennell, of New York, was chairman, was referred to the section on Medical Jurisprudence.

A report on the *Introduction of Diseases by Commerce, and the Means of its Prevention*, by a committee, of which Dr. A. Nelson Bell, of Brooklyn, was chairman, was referred to the section on Hygiene.

Papers from Dr. Lewis A. Sayre, of New York, Dr. Tewksbury, and Dr. Peck, of Davenport, Iowa, were referred to the section on Surgery.

A report on *Vaccination* was referred to the section on Hygiene.

Various other committees, who did not present any report, were continued another year; and in one or two instances, it was voted that new committees be appointed.

A paper, by Dr. A. Nebinger, of Philadelphia, on *Small-Pox*, was referred to the section on Hy-

giene; another paper on the same subject, by Dr. C. Ramsay, of New York, was referred to the same section.

A paper on *Ophthalmology*, from Dr. E. Williams, of Cincinnati, was referred to the section on Surgery.

A paper on *Staphyloraphy*, by Dr. J. Mason Warren, of Boston, was submitted, and is to be heard.

A paper from Dr. Henry J. Bigelow, of Boston, which is to be illustrated by the author at the Massachusetts Medical College, was referred to the section on Surgery.

A paper on the *Extraction of Foreign Substances from the Ear and Nose*, from Dr. L. Turnbull, of Philadelphia, was referred to the section on Surgery.

A paper on the *Function of the Nerves*, from Dr. E. Haskell, of Rockport, N. Y., was referred to the section on Surgery.

A paper from Dr. Aspell, of the U. S. Army, was referred to the section on Hygiene.

A report on *The connection Electricity sustains to the Causes of Disease*, from a committee, by Dr. S. Littell, of Pennsylvania, was referred to the section on Practical Medicine and Obstetrics.

A report on *Specialties and Specialists*, from a committee, by Dr. Homberger, of New York, not being a proper subject for reference to any particular section, was assigned for consideration on Thursday, at 9 o'clock.

Reports on the *Rank of the Medical Corps in the Army and Navy*, were assigned for consideration to-morrow.

Eight o'clock was fixed upon for the hour of commencing the morning sessions of the Association.

Dr. Marsden, President of the College of Physicians and Surgeons, of Lower Canada, was introduced, and made a brief address.

It was voted that a committee to nominate officers, consisting of one from each State, be appointed by the various delegations.

At a quarter before two o'clock, it was voted to adjourn till to-morrow morning, and that the various sections meet in the afternoon at three o'clock.

Ample arrangements have been made by the medical profession of Boston for the entertainment of their brethren from abroad, during their brief stay in the city. Tuesday evening there is a soiree and promenade concert at the Music Hall. Wednesday evening there are to be receptions by various Boston physicians, at their residences; and on Thursday afternoon, the excursion down the bay. In addition, arrangements

have been made for the members to visit the medical colleges, the various hospitals and asylums, Bunker Hill, Mount Auburn, and other points of interest in and about Boston.

FIRST DAY.—Afternoon Sessions.

At three o'clock, P. M., the different sections met and organized for business. The

Section on Surgery

assembled in the green room. Henry J. Bigelow, M. D., was chosen chairman, and Dr. Greene, secretary. The paper on Staphyloraphy was read by Dr. J. Mason Warren, and discussed by Dr. Garrish, of New York; Jackson, of Boston, and other gentlemen. Dr. Lewis A. Sayre, of New York, presented the report of a very interesting case of Anchylosis of the ankle-joints, which he had treated by sutures through both joints, and the application of an apparatus of his own invention.

The section on

Practical Medicine and Obstetrics

met in Representatives' Hall. Z. Pitcher, M. D., of Detroit, chairman, and Dr. Elliot, of New York, secretary. Dr. H. R. Storer, of Boston, presented the report of the committee on Insanity, and remarks thereon were made by Dr. Jarvis, of Dorchester, Mass., and other gentlemen.

The section on

Medical Jurisprudence and Hygiene

met in room No. 10, west wing. J. F. Hibbard, M. D., of Richmond, Indiana, was chosen chairman, and Dr. Burns, of Pennsylvania, secretary. The report of the committee on Vaccination was presented, and discussed by Drs. Bowditch, of Boston, Nebinger and Atkinson, of Philadelphia, Smith, of New Jersey, and others. Dr. Nebinger then read a paper on the pathology and treatment of Small-pox.

The section of

Meteorology, Medical Topography, and Epidemic Diseases

assembled in room No. 13, west wing. James Webb, M. D., of Winsted, Connecticut, chairman, and Dr. Garrish, of New York, secretary. The report of the committee on so-called "Spotted Fever," was presented by Dr. Catlin, of Connecticut, and on the Climatology and Epidemic Diseases of California, by Dr. Logan, of that State.

The sections on Anatomy and Physiology, and on Chemistry and Materia Medica, did not meet an organization, the discussions before those of Surgery, and Practical Medicine and Obstetrics, presenting so many attractions as to draw away most of the members of the Association.

SECOND DAY.—Wednesday.

The Convention was called to order at 8.20 o'clock this morning, by the President, N. S. DAVIS, of Chicago.

The names of the committee to nominate officers were reported as follows:

Maine, Thos. A. Foster; New Hampshire, Geo. D. Twitchell of Keene; Vermont, H. D. Holton; Massachusetts, A. A. Gould; Rhode Island, S. Clapp; Connecticut, Elisha B. Nye; New York, D. C. Enos; New Jersey, Ezra M. Hunt; Pennsylvania, W. Mayburry; Delaware, James Couper; Maryland, Dr. Kinneman; Ohio, S. A. Almy; District of Columbia, J. M. Toner; Indiana, J. F. Hibberd; Illinois, John Bartlett; Missouri, J. S. B. Alley; Iowa, W. F. L. Smith; Michigan, Homer A. Hitchcock; Tennessee, W. K. Bowling.

The committee had permission, and retired for deliberation at nine o'clock.

The Secretary then read the names registered since yesterday morning, making 468 names in all.

Dr. C. C. Cox, Lieutenant Governor of Maryland, rose and made an earnest speech, denouncing a member of this Association, who had been proved to be connected with a plan to poison and destroy the lives of thousands of innocent people, men, women, and children, by a mode unrecognized by any theory of modern warfare, and tolerated only in conditions of extreme barbarism. He said no repentance could wipe out the hellish enormity, or admit of restoration to public confidence.

Dr. Montrose A. Pallen was a physician. In that title the world has been accustomed to embrace all that is benevolent and humane. When every other epithet of admiration had been exhausted in the case of one of our Saviour's followers, he was called "the beloved physician." We have had since the days of Luke, thank God, thousands of the noblest examples of the healing art. It is hardly decent to mention the name of the individual, Montrose A. Pallen, at the same moment in connection with that of Desgenettes, the great French surgeon; but how vast the contrast! When the latter was ordered by Bonaparte to destroy the plague patients of Jäva, by administering opium, he replied, "Sire, my business is to cure men, not to kill them." Pallen without being ordered by a superior, volunteered the advice to destroy thousands, by destroying one of the common aliments of life in a large city. He deserves to be pilloried in eternal infamy.

The speaker read extracts from Washington, evidence bearing on the case, and then offered a resolution to expel Dr. Pallen from the Society.

The resolution was received with hearty applause. A discussion at once sprang up in which Dr. Loomis, of Washington, advocated immediate and prompt adoption of the resolution. Dr. Toner of Washington advocated postponement, and it was further discussed *pro* and *con*, by Drs. Barton, De Witt, of New Jersey, Currey of, New York, and others.

Dr. Cox made another appeal, and in response to a charge that from a strong conservative he had apparently become a radical, he replied that he knew no conservatism as regarded treason, incendiarism, or assassination. [Applause.] Pallen was the first physician of St. Louis to leave that city and go South, after the war began, and join the rebellion, and then turn up in Canada, in connection with those who projected the assassination of President LINCOLN, the burning of the Northern cities, and the poisoning of the water supply of cities. The testimony of Sanford Conover, published by government, (suppressed testimony given in the papers the day before yesterday,) was the testimony he referred to.

Dr. Hooker, of Connecticut favored reference to a committee, as also did Dr. Childs, of Mass. Dr. Storer, of Boston, made a strong speech in reference to the antecedents of Pallen; he thought his desertion of his country, his efforts to overthrow the government, his uniting for four years with those who were shedding patriot blood on Southern fields and in Southern prisons, were sufficient to cause his ignominious expulsion from this Society, without coming to the last dreadful charges of assassination and incendiarism.

The resolution was further supported by Drs. Childs, of Massachusetts; Kennedy, of New York; Eastman, of Boston, and Corliss, of New York, and its present adoption opposed by Drs. Stackpole, of New Hampshire, and McArthur, of Ill.

On motion of Dr. Loomis, of Washington, the last clause of the resolution, prohibiting any future reinstatement of the accused was stricken out.

After some further discussion and amendments the resolution was adopted, nearly unanimously, there being an attendance of nearly four hundred members.

The resolution as adopted, was as follows:

"Whereas, Montrose A. Pallen, whose name appears upon the register as a permanent member of this Association, has been declared under oath before the military commission, sitting at Washington at this date, to have been in complicity with an attempt to poison the water of the Croton reservoir, by which the city of New York is supplied with drinking water, thus imperilling the lives of thousands of his fellow citizens; therefore,

Resolved,—That the said Montrose A. Pallen has disgraced his manhood and the humane profession of which he is an unworthy member. That he is hereby indignantly expelled from this body, and that the Secretary be required to strike his name from the roll of members."

On motion of Dr. J. P. Garrish, of New York, appropriate resolutions were adopted in reference to the death of Dr. Valentine Mott.

Dr. Catlin, and Dr. Worthington Hooker, of Connecticut, and Dr. Cox, of Maryland, were appointed to report resolutions on the deaths of Dr. Knight, Dr. Chas. Hooker, and Professor Silliman, of Connecticut.

The case of Dr. J. H. Reynolds, of Quincy, Illinois, suspended by the Adams County Society, was referred to a committee.

It was ordered that the session of Friday morning should be the closing one.

A large number of members of the Convention left at 10½ o'clock, to witness an operation at the hospital by Dr. J. M. Warren, for the extirpation of a tumor from the abdomen of a living patient.

Dr. Tripler read a report on the *Rank of Medical Officers in the Army*.

Among the principal points urged in this paper was the need for increased rank for surgeons, so as to give such control of hospitals, etc.; as should leave them and their valuable charge free from the caprices and want of intelligence of military officers of less rank. A thorough reform and re-organization of the medical departments was called for in our times of peace, that in case of war the work of the profession might be carried on as promptly as possible, and as much human suffering as possible spared to the sick and wounded.

The report was accepted and adopted, and on motion of Dr. Cox, of Maryland, resolutions were adopted continuing the committee, and requesting all members of Congress to secure an elevation of the grade of the entire medical corps of the army.

Dr. Tripler described the evils which he had seen in the army in his experience of thirty-five years, resulting from the Surgeons not being able to control their wagons, Colonels taking the wagons in many cases and leaving the stores behind. On the arrival of Gen. McClellan's forces at Fortress Monroe, for instance, he found that a large part of the medical stores he had issued, for 140,000 men for three months, were left behind at Alexandria from such causes, and that for want of a guard it was sometimes found that the soldiers had stolen all the department liquors.

He would give regimental surgeons such rank as that no man below the rank of a General could interfere with them or their stores. The safety of sick and wounded of all ranks requires this.

Drs. L. A. Smith, of New Jersey, Kennedy, of New York, Worthington Hooker, of Connecticut, H. G. Bowditch, of Massachusetts, and A. L. McArthur, of Illinois, were appointed a Committee on Medical Ethics.

A report from Dr. Anderson, of New York, on *Naval Surgeons and their Rank*, was read by the Assistant Secretary, and adopted.

On motion of Dr. Bowditch, the President was requested to bring the rank of service-surgeons, to the attention of Congress.

Dr. F. G. Smith, of Philadelphia, presented the report of the Committee on Publication, showing the number of copies of each years "transactions" on hand, (volumes 1, 3, 4 and 6 being out of print) and closing with resolutions to raise money to print the next volume, by contribution, if the

treasury fund be not sufficient, and to pay \$100, to purchase the prize medal dies.

The resolutions were adopted.

The Treasurer's report was presented showing a balance of \$300 in the treasury.

Dr. Storer, of Boston, presented the report of the Committee on Prize Essays. The prize was awarded to the author of "A dissertation on the Surgical treatment of morbid growths in the Larynx." The author was announced to be Dr. Louis Elsberg, of New York. [Applause.]

The premium offered at the last annual meeting for the best short and comprehensive tract, calculated for circulation among females, bearing upon the criminality and physical evils of abortion, was awarded to Dr. H. R. Storer, of Boston. [Applause.]

Dr. Upham, of Boston, presented a communication from Judge Warren, President of the Providence Rail-road, offering a special train to the use of the members of the Convention at any time, and at brief notice, to visit the hospitals.

A communication was also received from John D. Philbrick, Superintendent of Boston schools, accompanying copies of the school report for distribution to members.

A communication was received from Surgeon Gen. Dale, acknowledging, in behalf of his excellency Governor Andrew, the reception of an invitation to attend the meeting of the Association, regretting his inability to be present, paying a high compliment to the dignified character and importance of the Association, acknowledging the patriotic sacrifices of the profession during the rebellion, and trusting that the session of the Convention would result in the advancement of the interests of medical science.

Dr. H. R. Storer, read a report on *Medical Education*; it was an able paper, and was referred to the Committee on Publication.

SECOND DAY.—Afternoon Sessions.

In accordance with the prescribed rules of order, the Association convened in its various sections at three o'clock, P.M. In the section of

Surgery,

in the absence of the chairman, Wm. B. Atkinson, M.D., of Philadelphia, was chosen chairman *pro tem*. Few gentlemen were present, the greater portion having gone to the Medical College, to attend a demonstration, and hear a paper on *Fractures and Dislocations of the Hip-joint*, by the chairman, Dr. H. J. Bigelow.

Dr. B. Haskell, of Rockport, the only member present in the section of Anatomy and Physiology, was invited to read his paper on the Functions of the Nerves, which embodied remarks on the

experiments and observations of Bell, Mayo, and others, on which the doctrine of sensitive and motor nerves was chiefly founded.

In accordance with the recommendation of the Nominating Committee, adopted in the morning general session, the following were the subjects and committees thereon selected for the next year: Strangulated Hernia, W. H. Peck, M.D., of Iowa; Cause and Pathology of Pyæmia, J. J. Woodward, M.D., U.S.A.

In the section of

Practical Medicine and Obstetrics, the reading of a lengthy paper on the relations which Electricity sustains to the Cause of Disease, by Dr. S. Littell, of Pa., was commenced by the Secretary. After it had continued for about an hour, a motion to lay it on the table was discussed and carried.

A committee of three was appointed to report next year on the "Relations which the doctrine of the correlation and conservation of forces bears to the physiological and pathological conditions of the human system."

The following gentlemen were appointed on the committee: Drs. S. L. Loomis, of Washington, A. Jacobi, of New York, and S. Littell, of Pennsylvania.

Dr. Littell's paper was then referred to this committee.

The case of Fibro-sarcoma occluding the esophagus, submitted in general session on Tuesday, by Dr. Elsberg, of New York, was presented, with microscopic preparations of tumor, drawings, etc., and the introduction of the patient.

In the section of

Medical Jurisprudence and Hygiene, Dr. Nebinger's report on the "Pathology and Treatment of Small-Pox," which was very lengthy, was referred back to the author for condensation in some of its parts.

A paper on the "Propriety and Necessity of Compulsory Vaccination," was read by J. M. Toner, M.D., of Washington, D. C., which called forth warm remarks from Drs. Robbins, of New York, Nebinger, of Pennsylvania, Buckley, of New York, Twitchell, of New Hampshire, and others.

A communication on the subject of the Russian Plague was presented, and laid on the table.

The following subjects and committees thereon, were selected for next year: "The Comparative Value of Life in City and Country," Drs. Jarvis, of Dorchester, Mass., Griscom, of New York, Snow, of R. I.

"Drainage and Sewerage," Drs. Jewell, of Philadelphia, Ramsey, of New York, Curtis, of Massachusetts.

In the section of

Meteorology, Medical Topography, and Epidemic Diseases,

the report of Dr. Logan on the "Climatology and Epidemic Diseases of California," was referred to Dr. Davis to be read.

The report was very lengthy, and embraced a wide range of matter; it was therefore thought best that extracts only should be read. That portion, however, relating to Epidemic Diseases, was given entire.

It was resolved that the members of the section devote themselves especially to the collection of statistics of temperature, atmospheric moisture, atmospheric electricity, and ozonic conditions, with the coincident prevalence of diseases, and their special character, whether epidemic or endemic.

Dr. Davis, of Chicago, was selected as a committee to report at the next annual meeting, on the "Analysis, or Etiological and Pathological relations of epidemic Erysipelas, Spotted Fever, Diphtheria, and Scarlatina."

The sections of Anatomy and Physiology, and of Chemistry and Materia Medica, have not yet reached an organization.

THIRD DAY.—Thursday.

The Association was called to order at eight and a half o'clock, by Dr. N. S. DAVIS, President.

On motion of Dr. Burns, of Pennsylvania, a resolution was adopted, instructing the sections or committees in reference to the classification of papers referred to the Committee on Publication.

On motion of Dr. Mayburry, of Pennsylvania, a resolution was adopted, concerning the catalogue of officers, that it have hereafter printed in it a corrected list of the ex-Vice-Presidents of the Association, with their addresses.

In answer to an inquiry of Dr. Jarvis, of Dorchester, a discussion was had as to the functions of the Committee on Publication.

The President stated that its powers were executive, not discriminating.

The subject was discussed by Drs. Jarvis and Sayre, of New York, Tripler, and Hibbard, and by a vote of 45 to 37, on motion of Dr. Sayre, a resolution was adopted, giving the Committee discretionary power.

On motion of Dr. Jarvis, of Dorchester, it was voted to establish a section on Psychology, the inducement held out was that the Association of Medical Superintendents of Hospitals for the Insane would embrace that section, if created.

Dr. Garrish, of New York, moved to establish a section on "Ophthalmic Medicine and Surgery."

Dr. Twitchell, of New Hampshire, opposed it as tending to approve specialties and to reduce the practice of country physicians.

Dr. Williams, of Cincinnati, favored the plan, as there was need for thorough investigation of a science, which had in the past ten years become, as it were, new, all the old landmarks having been swept away.

The motion was opposed by Dr. Burns, of Pennsylvania, and favored by Dr. Hooker, of Connecticut. It was finally rejected.

Dr. A. H. Stephens, of New York, a former President, was introduced, and received with applause.

On motion of Dr. Hibberd, the section on Anatomy and Physiology was abolished. That of Anatomy being assigned to the Surgical section, and that of Physiology to that on Hygiene.

On motion of Dr. Couper, of Delaware, the sending of a delegate to the Convention of Medical Superintendents of Hospitals for the Insane, was authorized, the Chair to appoint a delegate.

Dr. Bissell, of New York, and others, offered amendments to the constitution, which were laid over till next year.

The Committee on Nominations reported the first Monday in June, for the session next year.

They also made the following nomination of officers of the Association;

President—D. H. STORER, Massachusetts.

Vice-Presidents—James F. Hibberd, of Indiana, S. O. Almy, of Ohio, T. C. Dunn, of Rhode Island, and W. P. Johnston, of the District of Columbia.

Assistant Secretary—Jerrod E. Morgan, of Baltimore.

Committee of Arrangements—C. C. Fox, W. C. Von Bibber, Franklin Donelson, L. H. Steiner, Geo. G. Wiltenberger, Wm. Whiteridge, Jerrod E. Morgan, all of Baltimore.

Committee on Publication—Drs. F. G. Smith, of Pennsylvania, H. F. Askew, of Delaware, Wm. Mayburry, of Pennsylvania, Wm. B. Atkinson, of Pennsylvania, H. R. Storer, of Massachusetts, Caspar Wister, of Pennsylvania.

Committee on Prize Essays—Austin Flint, Sr., James R. Wood, Ellsworth Elliot, E. Krackowitzer, D. C. Enos, all of New York.

Committee on Medical Education—Dr. S. D. Gross, of Pennsylvania, G. B. Twitchell, of New Hampshire, C. A. Pope, of Missouri, O. W. Holmes, of Massachusetts, Grafton Tyler, of the District of Columbia.

Committee on Medical Literature—Charles A. Lee, of New York, T. F. Rochester, of New York,

C. C. Cox, of Maryland, Albert Smith, of New Hampshire, and A. Nebinger, of Pennsylvania.

Committee on American Necrology—Drs. C. C. Cox, of Maryland, E. B. Stevens, of Ohio, W. F. Peck, of Iowa, H. Van Dusen, of Wisconsin, Noble Young, of the District of Columbia, Josiah Simpson, U. S. A., James C. Weston, of Maine, Henry Bronson, of Connecticut, Henry Noble, of Illinois, Ch. Eversfield, U. S. N., W. B. Fletcher, of Indiana, J. C. Hupp, of West Virginia, J. Mauran, of Rhode Island, W. K. Bowling, of Tennessee, J. P. Fitch, of New Hampshire, James Couper, of Delaware, W. L. Linton, of Missouri, Charles L. Allen, of Vermont, H. S. Clark, of Massachusetts, J. H. Griscom, of New York, E. M. Moore, of New York, Chas. A. Logan, of Kansas, Wm. B. Little, of California, — Stewart, of Minnesota, H. Miller, of Kentucky, S. G. Armor, of Michigan, Wm. Pierson, of New Jersey, — Fleming, and E. Wallace, of Pennsylvania.

The nominations were unanimously adopted. There was applause at the mention of Dr. D. H. STORER's name as next President. After discussion, the time of meeting was changed to the first Tuesday in May.

Dr. Antisell, of Washington, moved to reconsider the vote that was taken yesterday, expelling Dr. Pallen, for alleged complicity in plots to poison the Croton reservoir. After some discussion, the motion was largely rejected. Dr. Sayre called for the yeas and nays. As there was no specific rule on this subject, the Chair required the majority to order the yeas and nays, and the majority was not obtained. The vote was modified by rising, 59 voting in the affirmative, and the negative not stated.

Dr. Buxton, of Maine, in the course of the discussion, referred to the discussions of yesterday, which he denounced as political, and said that State rights had not been heard.

Dr. Sayre remarked also that he had called for the yeas and nays, that the names of those who voted for the expulsion might be recorded, confident that they would be filled with shame, at some future day, by discovering their action to have been unjust.

Dr. J. H. Reynolds, of Illinois, had leave to withdraw his credentials, proposing to proceed against Adams County Medical Society, of Illinois, as responsible for his not being allowed a seat in the Convention.

The names of several candidates for permanent membership, with their vouchers, were presented from the Committee of Arrangements.

A general discussion ensued, on the expediency of electing so great a number of permanent mem-

bers. It was maintained by some gentlemen, that such a course was prejudicial to the interests of the local medical organizations. The question on the election of the gentlemen nominated, was lost, as a unanimous vote was required.

Dr. Mayburry offered an amendment to the constitution, which was laid over till next year.

Dr. Hooker, from a special committee appointed yesterday, reported a series of resolutions in relation to the decease of Dr. Jonathan Knight, Professor Benjamin Silliman, and Dr. Chas. Hooker, all of Connecticut, which was unanimously adopted.

Dr. Furman, of New York, presented resolutions of the State Medical Society of New York, which were referred to this national Association.

These resolutions were against the practice of physicians advertising anything more than their address, and instances were given of the evils resulting from a contrary course. Laid on the table.

The hearing of the report on Specialists and Specialties was taken up.

Dr. Julius Homburger, of N. Y., Chairman of the Committee, presented a lengthy individual report, which favored advertising by specialists, and argued against such a course by the general practitioner.

The report was signed by Dr. H. alone.

Dr. H. R. Storer, of Boston, a member of the Committee, presented a report, ably defending the specialists, placing them in high position as leaders and exponents of particular branches of medical science, to which they devoted their lives and gave results to the world with a thoroughness and clearness, and reliability, which appertains to a determined and studious application to a single subject, when due attention is also paid to correlative science. Specialists had already vindicated their position. They were leaders, and the rest of the profession the rank and file.

There were also two classes, the specialists standing on one stool, and the specialists on two stools. He claimed that the diseases of women and children could be considered as properly a field for special practice as any other.

Dr. Worthington Hooker, of Conn., another member of the committee, made remarks, in which he said that the majority report had not been submitted to him in time to be fully considered. He then alluded to Dr. H. R. Storer's report, with which he could not agree, particularly that portion of it calling specialists the leaders of the profession, and cited the names of eminent men who had been general practitioners, and yet thorough in every branch, and stated that he had received a letter from Dr. Jewell, of Pa., announcing his unwillingness to sign Dr. Homburger's report.

Dr. Brinsmade, of Troy, N. Y., another member of the committee, agreed with Dr. Hooker.

The different reports were tabled, but again taken up.

Dr. Martin was in favor of referring the reports back to the same committee. He was himself a general practitioner, but he believed if a man wished to pursue a particular branch of medicine, he had a perfect right to do so, and to advertise his specialty. He thought specialists had developed many important facts.

Dr. Toner, of Washington, wished to have the reports referred to any other committee than that which reported them. He did not want any specialist on the committee, and he believed the remark that the diseases of women had fallen into the hands of charlatans for want of special practitioners, was offensive to the general practitioner.

Dr. Homburger defended his right to advertise as he pleased, his right as a man and as a physician, and said that the reason he did not send his report sooner to other members of the committee, was because he did not think they would sign it.

Dr. Mayburry favored a reference to the Committee on Ethics.

This course was adopted on motion of Dr. Twitchell, of N. H.

The Committee on Medical Ethics was instructed to report definitely next year.

Dr. Toner offered an amendment to the Constitution, to require new members to be approved by local societies. Laid over until next year.

At 12.30 the Convention adjourned till nine o'clock to-morrow.

Members then went to the Commercial wharf, to take steamers for an excursion down the bay.

FOURTH DAY.—Friday, June 9th.

In the section of

Practical Medicine and Obstetrics,

at 8½ o'clock this morning, in the absence of the chairman, Dr. Catlin, of Conn., was chosen Chairman pro tem. It was voted to recommend the following resolution offered by the Secretary, Dr. Greene, to the Association for adoption:

Resolved, That the Committee of Publication be requested to adopt such appropriate measures as will insure speedy and general circulation of the prize essay (calculated for circulation among females in relation to certain practices for criminal abortion,) provided it can be done without expense to the Association.

The following subjects and committees thereon were selected: "Progress of Medical Science During the Coming Year," Drs. J. C. Smith, New York; J. P. Ordway, Massachusetts; E. M. Hunt, New Jersey: "Diphtheria" as it has prevailed in the United States, Drs. H. D. Holton, Vermont; O. D. Morton, Ohio; T. Ryerson, New Jersey; J. S. B. Alleyne, Missouri.

In the section on

Surgery,

the following subject and committee were selected: "The use of Plaster of Paris in Surgery," Dr. J. L. Little, of New York.

On Wednesday afternoon, the Section attended a lecture by the Chairman, Dr. H. J. Bigelow, at the Medical College, "On Fractures of the Neck of the Femur, and Dislocations of the Thigh Bone," at the close of which a vote of thanks was passed by the Section, requesting that the lecture be prepared for publication.

General Session.

The Section came to order at nine o'clock, Dr. Davis in the Chair. Reports of the Sections were received and referred, and it was voted that such bills as might be presented therein, should be paid by the Treasurer of the Association.

Sundry papers, not heretofore disposed of, were appropriately referred, after which the minutes of the proceedings of the meeting were read by the Secretary, and having been corrected, were approved.

Drs. Leidy, F. G. Smith, and H. Hartshorne, were appointed a committee on Dr. Colt's paper on the "Microscope." Dr. John P. Ordway presented a protest against the action of the Association in adopting the resolution expelling Montrose A. Pallen from the Association, which was signed by the following gentlemen:

Thomas Antisell, Henry J. Bowditch, Geo. B. Twitchell, S. L. Abbott, W. P. Parr, S. W. Drew, J. T. Metcalfe, C. D. Homans, J. W. Winslow, J. H. Warren, James A. Currey, Benj. S. Shaw, R. S. Hodgson, N. S. Davis, J. F. Hibberd, Lewis A. Sayre, S. H. Tawksbury, Worthington Hooker, Julius Homburger, N. C. Husted, T. A. Emmett, G. S. Winston, Wm. Govan, Moses W. Weld, Wm. H. Thorndike, John P. Ordway, B. L. Buxton, Guido Furman, J. R. Mansfield, and other members had an opportunity to sign the protest.

Dr. Ordway defended the ground taken in the protest, and after some discussion, Dr. Hunt, of New Jersey, moved that a committee of three be appointed to prepare an answer thereto, and the following gentlemen were placed on the committee: Drs. Hunt, of New Jersey; Bibbins, of New York, and Baxter, U. S. A.

The President read a letter from Dr. W. H. Mussey, of Cincinnati, censuring "the course of the present Surgeon-General (Barnes,) in consulting with a homeopath in the case of Secretary Seward and son, and allowing a quack to prescribe medically whilst he was attending surgically," characterizing it as "an offence of no mean

proportions, the high position of the parties making the demoralizing effect the greater."

The matter was discussed at full length but no action was taken thereon, it having been ascertained that the communication was founded on incorrect information.

The names of the gentlemen laid upon the table yesterday, for permanent members of the Association, were taken up and favorably acted upon, with the exception of that of Dr. H. G. McIntyre, of Concord, New Hampshire, which was again placed upon the table.

His Excellency the Governor of the Commonwealth, at this point entered the hall, preceded by the Sergeant-at-Arms, and attended by Assistant Surgeon-General Hooker. He was received by the Association. The members rising in their seat, and was introduced to them by the President. His Excellency then addressed the Association as follows:

His excellency said, he entered the hall with no intention of interrupting the proceedings of the body there assembled, but to express by his presence, and if necessary by his voice, his acknowledgment and appreciation of the invitation which he had received to be present and address the Association, at the time of its Convention. He felt it to be due to the Commonwealth, that he should testify in person, and with emphasis, to the interest which attaches to this Convention of members of a large, liberal, earnest-minded profession, in its relation to science, its popular progress in the department of learning, to the medical profession of the United States, to the patriotism of that body of men whose labors and sacrifices had been unsurpassed by any similar number of citizens of the country. He hoped that this Convention would prove an introduction of the Association to the city, and that there would be many happy returns of similar reunions. Wherever they should meet, he trusted that they would receive the cordial welcome of intelligent persons capable of appreciating the value of medical science, and the contributions of such men to the morals and sentiments of the people; a wise, progressive, philosophical treatment of disease, touched the life and happiness of all, not only of the body, but of that which is eternal, the mind. He wished the members of the Association all happiness, prosperity and usefulness in the future, and withdrew from the hall, amid cheers.

The name of Dr. McIntyre, was again taken from the table and discussed at great length. Dr. H. R. Storer, moved to refer the whole matter to the Committee on Medical Ethics. Dr. Bronson, moved to amend by referring to the New Hampshire Medical Society. The amendment was lost by a vote of 36 to 52, and the original motion prevailed. A resolution to instruct the Committee to confer with the Society, was discussed and withdrawn.

The Committee appointed to prepare an answer

to the protest of Dr. Antisell, and others, against the action of the Association in the case of Montrose A. Pallen, came in and reported a protest against the protest, regarding the latter as a bad precedent; regretting that the first case in the history of the Association calling forth a protest, should be in behalf of a man in regard to whom such statements had been made, and such explicit testimony rendered in reference to his complicity with the attempted crime; noticing the fact, reviewing the antecedents of Pallen, and the doctrine of personal rights, and concluding as follows:

"While we agree to the general idea that no man shall be condemned and punished until his guilt is established, we recognize guilt as having degrees, and as sometimes being established independent of the decision of courts; and in cutting him off from the Association, we do not recognize ourselves as condemning and punishing him in the legal and opprobrious sense in which those terms are used, when one is consigned to the prison or the gallows, but as protecting ourselves from the odium of association with one, in respect to whom we have evidence enough to satisfy us, that he has chosen as associates not only rebels, but assassins, and who, while he is unable to clear his skirts, is not particularly jeopardized in life, liberty or the pursuits of happiness, by our act."

The President then read the the following telegraphic despatch:

MONTREAL, Canada East, June 9th.

To the President of the National Medical Association:

I have been expelled from the Association upon unrebuted testimony, for-participating in a crime which I execrate as much as any gentleman in the Convention. I will produce affidavits to prove Sanford Conovers' (the witness who implicated Pallen) evidence to be infamous perjury.

I beg a reconsideration of the vote and that it be referred to a committee, before whom I pledge myself to still preserve the fair fame belonging to every member of the Association.

(Signed)

MONTROSE A. PALLÉN.

There was then some discussion as to the disposition of the report, and it was finally allowed to go upon the record, in the same manner as the previous protest.

Resolutions were adopted, extending the thanks of the Association to the army and navy surgeons, for the prompt manner in which they met the calls and perils of the battle-fields, demanded by our country; and also tendering to the families of such as have died in the service their earnest sympathies.

Resolutions of thanks to the medical profession of Boston, His Excellency, the Governor of Massachusetts, Major Morrissey, Sergeant-at-Arms, and his assistants; His Honor, Mayor LINCOLN, and the city authorities of Boston; the Committee

of Arrangements of the Association; and to the President, Dr. N. S. DAVIS, for the singularly able and impartial manner in which he had discharged the duties of his office, were also adopted by the Association, the latter with great applause.

Resolutions expressing the hope that the members of the Association would soon again meet the members and delegates from the South, and extending to them an earnest invitation, and promising them a cordial welcome, were also adopted.

Resolutions urging upon the Sanitary and Christian Commissions to send agents to learn the facts in regard to the apprehended pestilence and famine in some parts of Georgia and South Carolina, and if need be, to take prompt and efficient measures to mitigate such a result, were adopted.

A special committee on Insanity was appointed, as follows—Drs. Alfred Hitchcock, Massachusetts, Isaac Ray, Rhode Island, S. H. Tewksbury, Maine, B. F. Barker, New York, J. S. Butler, Connecticut.

The venerable Dr. Childs then made a short address, speaking as follows:

"I feel extremely gratified that I am permitted on behalf of the State Medical Society to be present on this occasion, and I have also been extremely gratified in the proceedings of the Association, and, permit me to say, very much so, as respects the management of the presiding officer, (cheers) and I would unite in expressing the thanks of the Association for the worthy manner in which he has performed his service, and I hope a reply will be heard from him on this parting occasion. (Cheers.)

The President of the Association, Dr. N. S. DAVIS, of Chicago, then delivered his farewell address, which was as follows:

Gentlemen—I thought when I was down upon the Island, under that cottage roof, posted upon a chair, that the emotions within me were such as almost entirely to forbid utterance, but I confess, notwithstanding the warm congratulations and cordial feelings which surrounded us there, they have fallen below what you have put upon me to do at the close of this meeting, in the manifestation of your approval of the manner in which I have been permitted to discharge the duties of my office.

Compelled last year by the amendment of the constitution to serve two years in these same labors, I find so warm a manifestation of your approval as surely will never be forgotten by me. This time has been an enjoyment that will leave its impress upon the deepest recesses of my heart while I am permitted to live. No matter what may be the vicissitudes that await me in the future, or changes which may take place in this our national organization, the feelings which have been impressed upon me here will remain unobliterated while time lasts, and I fondly hope will not be wasted while eternity itself shall

endure. But, gentlemen, I must in turn, return my most cordial thanks to every one of you; for if we have had excellent meetings, it is not so much that I have occupied the chair, but it is because you—every one of you—have kindly sustained me in the discharge of my duty, and therefore I say, I am as much indebted to you, and far more than you are to me, therefore, I give you my thanks; and I tender my thanks cordially to the city of Boston, and to all those in the vicinity, for the manner in which I, as an humble individual, have been treated. Before I close, let me make one more observation.

I have been very strongly impressed for twelve months past, with the feeling that this Association has arrived at a crisis of its existence, and I felt at the opening of the session, that this meeting here, in the old Cradle of Liberty, almost in sight of the waves of the Atlantic, would determine whether this Association was to be perpetuated to the latest generations, gathering the profession from the four quarters of the continent; not merely from East, or West, or North, and South, but from the whole continent, and uniting a common brotherhood, for defending the interests of humanity, as long as civilization itself should endure, or whether we should culminate, and, like the transient meteor in the heavens make our mark and fade away. And I felt strongly impressed at the time, because I saw many aged among us, and many young who looked to the aged, and because they did not come up to their expectations fully, were hanging back and inquiring, why? And it seems we have arrived exactly at this period where the Association was about to be transferred from one generation to the next, and as I commenced very young, I felt that I stood as a connecting link; that my right hand was on the shoulder of the aged, and my left upon the shoulder of the younger members of the profession, and if I could hold them together and put the burden of the Association over from the shoulders of the one fairly upon the other, I felt that it would stand firm through the coming trial. My brethren of the profession, I feel that the crisis has passed. [Cheers.] The Association is established upon the firm shoulders of the next generation. I am sure they will pass it to the next, and along to others, as long as civilization shall exist; therefore, I cordially sympathize with you in all the enjoyments of this occasion, and I hope while I am permitted to live, and be able to go by steamship or rail car, that I will find time to enjoy a green oasis every year, in meeting you as long as age shall let me linger with you.

At the close of the address three hearty cheers were given.

At a quarter past one, the Convention adjourned to meet again on the first Tuesday in May, 1866, in the city of Baltimore.

The annual meeting of the Association of 1865, has been more largely attended than on any previous occasion, SIX HUNDRED AND SIXTEEN members and delegates having registered their names on the books of the Committee. It is generally regarded as having been a most interesting and successful Convention.

MEDICAL AND SURGICAL REPORTER.

PHILADELPHIA, JUNE 17, 1865.

THE AMERICAN MEDICAL ASSOCIATION.

The Sixteenth Annual Session of the American Medical Association was held in Boston, Massachusetts, last week. From the full minutes of the proceedings furnished by our special reporter, Mr. C. R. MORGAN, of this city, published in the issues of last week and this, our readers will perceive that the proceedings were of unusual professional interest. The attendance of members is reported to have been larger than on any previous occasion—the whole number registered having reached SIX HUNDRED AND SIXTEEN.

The Association was heartily welcomed in a most eloquent address by Dr. HENRY J. BIGELOW, chairman of the committee of arrangements. The address by the President, Dr. N. S. DAVIS, of Illinois, was of a decidedly practical character, having reference to an improvement in the Plan of Organization, meeting, in fact, the requirements of the Special Committee on that subject, appointed at the last meeting of the Association, and of which Dr. DAVIS was chairman. Many practical suggestions were made on the subject, which we hope will eventually be incorporated into the plan of organization of the Association.

The machinery of the Association seems to have worked much more harmoniously than at any previous session, the mornings being devoted to general business, and the afternoons to reports and papers on special subjects, in the several Sections. Many very important papers and reports were read and discussed in the Sections, and some able papers were referred back to the Association, for publication in the Transactions. The forthcoming volume promises to rival any of its predecessors in value and interest.

We notice that, at the instance of the Treasurer, we suppose, a resolution was passed, authorizing a subscription for the purpose of publishing the Transactions this year. But why should this be necessary, with a balance in the Treasury, from last year, of \$300, an income at this meeting of some \$2,000, which with proper management may be increased, perhaps another \$500, or more? We see no reason why the total income of the Association, this year, should not reach the sum of \$3,000. Then, too, the expense of issuing the Transactions this year, ought to be considerably less than it was last. If it is necessary to do something to lay this ghost of poverty, which seems to continually haunt the Treasurer of the Association, we would suggest that the registra-

tion fee be raised to four or five dollars. The Association should not be embarrassed in its operations for want of funds.

The report of the chairman of the Committee—Dr. HOMBERGER, of New York—on Specialties and Specialists, seems to have been received with little favor by the Association, and was repudiated by the other members of the committee. The extraordinary plea of the author, that it was not earlier submitted to the other members of the committee, because he did not expect they would endorse it, was unworthy of him, and an insult to the Association. The report, of which we have a full copy before us, seems to be made up of criticisms on the Code of Ethics of the American Medical Association, and a plea on the part of the writer in favor of advertising. We very much doubt whether this report reflects the views of the majority of specialists in this country. If it does, it shows plainly that the objections we have heretofore advanced against specialism, are well founded. We have plenty of general practitioners in the departments of medicine and surgery, who are fully as reliable, in our view, in special practice, as are nine-tenths of the professed specialists. Who ever thought of objecting to MOTT or PANCOAST operating on the eye, because they were not "eye doctors," or CLARK or DA COSTA examining the chest, because they were not "consumption doctors"? We trust that this report will be a warning to the Association not to appoint a man a special committee to make a report, merely because he wishes to be so appointed. Ten chances to one, he has an axe to grind.

The case of Dr. MONTROSE A. PALLAN, formerly of St. Louis, now of Canada, (by way of showing his intense love for his country,) created quite an excitement in the Association. It seems that Dr. PALLAN is charged on the affidavit of a witness on the assassination trials at Washington—whose testimony has not yet, we believe, been impeached—with having been engaged in a plot to poison the water supply of the city of New York. Dr. PALLAN was, on motion, expelled from the Association. Efforts were made to have this action reconsidered, on the ground, we suppose, that the evidence against him was insufficient. But then there was the *prima facie* evidence of his having left his country, and taken refuge in a province, a majority of whose inhabitants were notoriously inimical to this country, and where were harbored men engaged in the "detached service" of the rebels, which service included such crimes as piracy, robbery of banks, incendiarism in our large cities; and finally, the mur-

der of our Chief Magistrate, and the partially successful attempt to introduce yellow fever into our populous cities and towns. Engaged in these "detached services" were diplomatists, doctors of divinity and medicine, traders, actors, shoemakers, Jews, infidels and proselytes. Surely Dr. PALLAN was in bad company, and he has himself to blame if he is falsely accused. If he had showed his patriotism and love of country by staying at home and minding his own business, he would never have been suspected. True, he indignantly denies the soft impeachment, but so have other of the Canadian plotters, while evidence has been cumulating against them. We fail to appreciate the patriotism of those who rush to the defence of men who exhibited their love of country by forsaking her in her hour of trial, even if that were all of which they were guilty. If Dr. PALLAN can hereafter show that while in Canada he was not engaged in plots against his country, but that he was serving it to the best of his ability, the sentence of expulsion can be rescinded. At present, appearances, as well as testimony, are against him.

A resolution of censure of Surgeon-General BARNES was offered, for attending Secretary SEWARD and his son as a surgeon, while a homœopath was in attendance as a physician. We presume this resolution was based upon information drawn from a letter which has been "going the rounds" of the newspapers, written by a homœopathic practitioner of Washington, who seems to have been very anxious to have his name connected with the affair. Up to the time of the murderous attack on the SEWARDS, he seems to have attended the family, which, to our mind, accounts for the very precarious condition that the Secretary was in, from the injuries he had previously received. From what has transpired in regard to this affair, we have been led to think that the attempt at assassination was in reality the means of saving Secretary SEWARD's life, by relieving a congested condition of the injuries previously received, which threatened serious results, and placing him in the hands of competent surgeons. We do not understand that Surgeon-General BARNES has been attending the SEWARDS in connection with a homœopath at all, and think the resolution referred to is founded on a misconception. We hope to be able, before long, to present our readers with a detailed account of the cases of Secretary SEWARD and his son.

Since the above was written, we notice that the charge was positively denied, and the resolution of censure withdrawn. So much for relying on *ad captandum* letters of irregular practitioners.

The sociable part of the programme in Boston seems to have been well carried out, much to the enjoyment of all who participated in it; and the winding up of the exercises were peculiarly felicitous. The next meeting is to be held in Baltimore, on the first Tuesday in May, 1866.

MAL-PRACTICE.

THANKS, chiefly, to the exertions of Dr. FRANK H. HAMILTON, now of New York city, the profession is not now as much annoyed by suits for mal-practice as they were, a few years since, when they were carried to a most unreasonable and ridiculous extent. For a time, every failure on the part of the surgeon, no matter how much skill he brought to bear on the case, to perform a perfect cure, especially in fracture cases, was almost sure to involve him in a suit for damages, and, unfortunately there were generally not wanting persons who were ready to give evidence on behalf of the plaintiff, if it would result in damaging a rival practitioner.

Unquestionably, however, real cases of mal-practice do occur, where carelessness, or ignorance and presumption, need the check of liability for damages, to prevent mischief to the community, and a just discrimination is needed on the part of judges and juries, in distinguishing between a proper treatment, of an intractable or incurable case, or proper attention and treatment on the part of the surgeon, and carelessness or wilfulness on the part of the patient, and improper treatment or neglect on the part of the surgeon.

In the REPORTER of last week, we gave the testimony in a case of alleged mal-practice, and in this number will be found the charge of the judge in the same case. Judge WILLIAMS gives an able exposition of the laws of this State on the subject of mal-practice, which we doubt not our readers will be very glad to possess. It will well repay perusal.

Notes and Comments.

Formula for Neuralgia.

Dr. SAMUEL YORK, of Maine, sends us the following formula, which he has used with much satisfaction in cases of neuralgia, to which it is applicable.

R. Ext. hyosciami nigri, ℥j.
Ferri et strychniæ citras,* ℥ij.
Morphiæ sulphas, gr.v.

Mix and beat together, and form pills 30.

S. One every four hours, increasing the dose as required.

* Forty-nine grains of this preparation contain one grain of strychnia.

Dr. Mott's Will.

It is said that the will of the late Dr. VALENTINE MOTT bequeaths his anatomical museum to the New York Medical College, in Fourteenth street. The entire value of his estate is estimated at \$400,000, which, with the above exception, is entirely distributed among his relatives.

MARRIED.

CASWELL-BALDWIN.—At Calvary church, New York city, on Wednesday, June 7, by Rev. Dr. Washburn, Edward T. Caswell, M. D., of Providence, and Annie, daughter of Austin Baldwin, Esq., of New York.

DANA-RAYMOND.—On Thursday, June 8, at the residence of the bride's parents, by Rev. James B. Duun, Samuel W. Dana, M. D., and Helena, only daughter of Asahel Raymond, Esq., all of New York.

LORD-JOHNSON.—On Wednesday evening, June 7, at the residence of the bride's parents, by Rev. Robert A. Hallam, D. D., Robert McCurdy Lord, M. D., and Lucy, youngest daughter of Wm. G. Johnson, Esq., of Uncasville, Conn.

MILLER-McNAUGHTON.—On Wednesday, June 7, at the residence of the bride's father, by Rev. F. M. Kip, D. D., Wm. D. W. Miller, of Brooklyn, and Grace, daughter of P. McNaughton, M. D., of Albany.

DIED.

MENGLE.—In Molltown, Berks Co., Pa., June 4th, Lydia A., wife of Dr. Isaac L. Mengle, eldest daughter of the late John Loos, Esq., in the 21st year of her age.

WHEELAN.—At Washington, D. C., June 11, Wm. Wheelan, M. D., U. S. N., Chief of Naval Medical Bureau.

WHITE.—At New Orleans, La., on Friday, June 2, suddenly, Dr. Ambrose L. White, in the 62d year of his age. A native of Virginia, for more than 30 years a practitioner of medicine in the city of New York.

ANSWERS TO CORRESPONDENTS.

Dr. W. W. S. Kersey, Pa.—Uterine Supporter, and Uterine Speculum, sent by express, June 5th; also Supporter, sent by express, June 10th.

Dr. C. B. Holyoke, Mass.—Simpson's Homœopathy, sent by mail, June 5th.

METEOROLOGY.

June	5,	6,	7,	8,	9,	10,	11.
Wind.....	S.	N. E.	S. W.	S. W.	S. W.	S. W.	N. E.
Weather.....	Clear.	Clear.	Cl'dy.	Clear.	Clear.	Clear.	Clear.
Depth Rain.....	Show- er.			Show- er.	T & L. T & L.	Show- er.	
	1-10			6-10	1-4-10	6-10	
Thermometer.							
Minimum.....	70°	62°	59°	65°	70°	68°	63°
At 8 A. M.....	80	65	65	75	87	75	72
At 12 M.....	89	67	73	84	86	79	76
At 3 P. M.....	90	67	74	85	87	77	76
Mean.....	82.25	65.25	67.75	77.25	82.50	74.75	71.75
Barometer.							
At 12 M.....	30.2	30.4	30.2	30.1	30.1	30.	30.1

Germanstown, Pa.

B. J. LEEDOM.

WANTED.

Subscribers having any of the following numbers to spare, will confer a favor, and likewise be credited on their running subscriptions, with such as they may return us.

Vols. I, II, III & IV. All the numbers.

Vol. V. No. 1, Oct. 6, '60; No. 19, Feb. 9, '61.

" VI. Nos. 18, 19, Aug. 3, 10, '61.

" VII. Nos. 1, 2, 6, Oct. 5, 12, Nov. 9, '61; Nos. 10 to 12, Dec. 7, '61, to March 8, '63.

" VIII. Nos. 17, 18, 19, 22, 23, July 26, Aug. 2, 9, 30, Sept. 6, '62.

" IX. Nos. 6, 7, 8, 13 & 14, 17 & 18, Nov. 8, 15, 22, '62;

Dec. 27, '62, and Jan. 3, '63, Jan. 24 & 31, '63.

" XI. Nos. 1, 4, 5, 7, 11, 21, Jan. 2, 23, 30, Feb. 13, March 12,

May 21, '64.

" XII. Nos. 1, 5, 11, 12, 17, July 2, Sept. 10, Oct. 22, 29, '64,

Feb. 4, '65.

✂ We are in pressing need just now of a few copies for new subscribers, of No. 414, Feb. 4, 1866.